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**HOLMDEL CHARTER STUDY COMMISSION
MEETING MINUTES
THURSDAY, APRIL 14, 2022
7:00 PM
HOLMDEL TOWN HALL**

Call to Order

Open Public Meetings Act Notice

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice, which was sent to the Asbury Park Press, the Two River Times, and posted on the bulletin board in Township Hall and filed in the Township Clerk's Office on December 28, 2021.

Roll Call

Chairman Kin Gee, Vice Chairman William D. Kastning, Commissioners Janet M. Berk, Gerald Buffalino, Zachary Gilstein and Special Council Kevin Starkey were present.

Pledge of Allegiance and Moment of Silence

Chairman Gee: Can you please stand for the pledge of allegiance and remain standing for a moment of silence to honor our troops both here and abroad that work tirelessly to protect us each and every day.

Approval of Minutes for Feb. 17, 2022 Meeting

Chairman Gee ask for a motion to approve the minutes for the February 17th meeting. Vice Chairman Kastning offered a motion, seconded by Commissioner Berk. A voice vote confirmed all in favor.

Phase III - Deliberation and Discussion by Commissioners

Chairman Gee: Our next order of business is the beginning of Phase Three, which is the deliberation and discussion by the commission. Before I open up with the commissioners, let me make a few comments. Since day one the commission has announced its three-phase process. Phase One is the study of the township committee, which is the current form of local government. We completed that in February. As part of that process, we interviewed elected officials collectively that have served more than 60 years on the township committee, including more than 20 years as mayor. We also interviewed the township administrator, as well as the chair of one of the local county committees.

As part of our Phase Two, we explored the alternate forms of government. We heard presentations by two experts on the various forms of government that could be considered. We also heard from a professor from Rutgers on New Jersey's unique ballot design and the line. We interviewed elected officials that currently operate under the various alternate forms of

government within Monmouth County, that includes the two major forms, mayor-council, and council-manager, including the various options within that, which includes mayors elected directly and not, as well as elections held on a partisan and non-partisan basis.

Throughout this process, we have gathered public input as well. We held two public hearings dedicated to receiving public input. We had one on February 3rd at the end of Phase One and one last week on April 7th at the end of Phase Two. In addition, the commission has always had a public comment session at the end of all our meetings since the very first meeting in November.

So, up to now the commission has been on a fact-finding mission, getting input, hearing from experts, and now we've done that, that's all behind us and we're in Phase Three, which is now when the commissioners will deliberate, discuss, and hopefully make some decisions on recommendations. At the end of that, a formal written report will be drafted and submitted to the Holmdel Clerk. The Charter Study Commission will then discharge the statutory mandate and it will formally end. Holmdel voters will then be able to vote to approve or disapprove the recommendations in a referendum.

So, it's been a while, we heard quite a bit throughout this process, so what I'd like to do is very quickly just make sure everybody's on the same page, at a very high level of review, some of the things we have, in particular, a review of the township committee form of government. Our township committee has five members that are elected at large on a staggered basis, elections are held on a partisan basis, non-partisan is not an option. Mayor is decided or elected by the township committee at the beginning of the year and not by voters in a direct election, they serve for one-year term. Essentially, this is a government committee, but we do have a township administrator, the duties are detailed by ordinance, but that ordinance could be changed, and the administrator could be removed by a 2/3 vote, the administrator attends meetings and can participate in discussions, but he or she has no vote in any matters before the township committee. There is no initiative or referendum, a little bit more about that later.

As part of Phase Two, we reviewed the various forms of government. Under the Faulkner Act, there are four forms, but one of them is for municipalities under 12,000 residents, so that's ruled out immediately. There is a third form called the mayor-council-administrator, it's only been adopted by three municipalities and is essentially a borough form with a mandated administrator. That leaves two major forms of government, mayor-council, and council-manager.

So, let's talk a little bit about the mayor-council, this is also known as a strong mayor. Now, after last week's public hearing, Commissioner Gilstein took some time to put together a nice chart of that. For those who don't have it, we'll probably post it on our website. Under the mayor-council form of government, again a strong mayor, the mayor is elected directly for a four-year term, the mayor is a chief executive and is in charge of the administration of the municipality, he or she is independent of the council, he or she has no vote on matters before the council and does not even need to attend council meetings. The mayor appoints the administrator. The administrator only serves a four-year term which is typically concurrent with the mayor. The council has legislative functions but no administrative or executive functions. The mayor has veto power, but it can be overridden by 2/3 vote.

The other form of government is council-manager, which is also known as the weak mayor. The mayor is part of the council, presides over the council meetings and votes alongside other council members, the mayor can be directly elected or selected by council. The council appoints

a manager to be the chief executive administrator to carry out the will of the council. The manager, like the township administrator, attends the council meetings and may take part in discussion, but again he or she does not have a vote. The manager serves at the pleasure of the council but can be removed by a simple majority.

So, what's common in both the mayor-council and the council-manager. The mayor can be elected directly, elections can be on a partisan or non-partisan basis, elections are every two years if it's on a stagger basis or it could be on a concurrent basis which means every four years. It includes initiative and referendum. In case there's any doubt, initiative is the ability for residents to put forth a proposed ordinance as a referendum so that people can decide and if it passes then it becomes an ordinance of the township. A referendum is the opposite, if there's an ordinance that residents don't like, they can ask that to be in a referendum where they can decide to accept or reject that ordinance. Elections are held either at large or by wards. Council could have five, seven or nine members. Both require, a business administrator or manager. So, those are the common things that are in both forms.

Before I open up for the commissioners, let me read one little paragraph from the state law and this is NJSA 40:698-7, "It shall be the function and duty of the charter commission to study the form of government of the municipality, to compare it with other available forms under the laws of the state to determine whether or not in its judgment the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient under a changed form of government." So, that is our function and duty and our burden to do that.

Discussion was then opened up for discussion with the other commissioners.

Commissioner Kastning: I've been kind of more of a listening mode than a speaking mode during this process, for those of you that have watched these or participated in them, I came in here with no preconceived notion and I was actually called by some people or emailed by some people as to what my perspective was and I said I'm going to be open-minded and I have been through this entire effort. My job as an executive director of Monmouth Conservation Foundation allows me to interact with almost every municipality in Monmouth County and all those different flavors, so I've had an exposure here perhaps better than my colleagues here in terms of watching government in action and participating.

So, having said that, I've listened here carefully, and I think the process was very rigorous and thorough and things fell by the wayside that weren't, as you indicated, things that could be considered, didn't make sense, and I think we're down to these last two options which have some similarities but also some differences.

I do favor a weak mayor and the council-manager form of government, with five members and I'm not sure about staggered or concurrent, but I'm all ears there. I certainly do think it's appropriate to have the referendum and initiative options available to the electorate and I'm in favor of the mayor being directly elected. Now, having been active in government maybe 10 or 12 years ago, maybe even two decades ago, and as people know I'm a Republican and I interacted with Republicans, things aren't necessarily equitable in terms of a good candidate getting a chance to run, given our type of ballot that's so much different than the rest of the United States. So, having said all that, I'm in favor on non-partisan elections.

Commissioner Gilstein: I recall from the first phase of this study, it was almost uniform that people wanted to elect the mayor directly. but I think it was also all fairly uniform that people did not want a strong mayor. They didn't want a mayor who was going to be a dictator or have more power than they would want to concede. So, for that reason in particular, I think council-manager is a much more suitable form rather than the mayor-council. The other things that I observed about council-manager is that it aligns almost perfectly to our Holmdel Township Committee while also allowing us several improvements. As I've said all along, it's not that Holmdel is a badly run town or we have such a terrible form of government which is a failure, it's that it's a great town and it's run well, but it may be possible to do even better and I think council-manager, which effectively gives us our township committee-like structure, but also offers us a number of improvements. So, that's where I come out in terms of the form. Electing the mayor directly, most everyone was in favor of doing that and it's much better to let the public decide rather than having some back-room deal go on about how we choose a mayor, which also invites interference from even outside of Holmdel with people directing from a county committee who should be the mayor of Holmdel, it seems really inappropriate. I think electing the mayor directly just puts the power in the people which is where you really want it.

On nonpartisan elections, I think that's definitely the way we should go. Some of the key statements that we heard stated picking up the leaves and paving the streets is not a partisan issue. We do not have national issues, are you in favor of abortion, in Holmdel. To run the town effectively, it doesn't really matter what your stripes are. I think having nonpartisan elections eliminates the external control of our town by county managers. I think this county line, which we heard so much about, is really somewhat nefarious, it's just you end up with people who are given the line because they salute or do whatever and then they're beholden to somebody outside the town. I don't think that that's the best for Holmdel.

I also think nonpartisan elections will enable more candidates to come forward, more qualified people who would like to serve our town will only make us a better town if we have more people to choose from. I think the practice of this line, which is so anti-democratic and then pushes other people who want to run off to column six or something where they really have no shot, it's just such an anti-democratic practice, I think it behooves us to take this action.

On initiative and referendum, I think this is just terrific. When I read about the Faulkner Act, one of the things that struck me the most that I liked the best, was it gives the power to the citizens to act on things. I mean, it creates a push back on the council and a constraint to the council exercising undue power, so if they pass an ordinance that's inappropriate and that the general public isn't in favor of it, they can take it to referendum as long as they can get 10% of the people to sign a petition to do so, so they need to get some support, but then you can take it forward. If there's something that's an initiative that people want to do, I've been in many township committee meetings where people say everybody wants this, well now there'd be an opportunity, if you think everybody wants it, go get signatures on a petition and put it on the ballot, we'll see if everybody wants it and if everybody wants it then all right then let's do it. So, that's a great improvement that we can bring to Holmdel, and it was heartening to see that nearly everyone we spoke to recognizes the value of initiative and referendum.

On some of the other things, I'm not in favor of wards, I think, as some people pointed out, that we're not big enough to need wards and it probably just creates a divisiveness within the community, so I think electing everybody at large makes the most sense. I think it makes the most sense to keep the council at five, it could be better to have a larger committee, but I think

that five is sufficient, it maintains consistency with our current form. I don't see anything compelling to make that a change. I think staggered elections, as we have now, are the best and I think that way you have some continuity in your government as things turn over, half of the council turns over every two years, that makes the most sense rather than having everybody turn over at the same time and potentially having a lot of new people come in. So, on balance, I think council-manager will serve us very well, very much like our current township committee and enable us to improve in a number of areas. The other thing I note, is that I know there was this question about having a township administrator and in the future, we'll have a business manager, when I look at what the responsibilities are that we delegated to our township administrator and the key responsibilities that are delegated to a business manager, they're essentially the same, and so I think that that's a very smooth transition for our town. I think we have an opportunity to lift up our town in this way.

Commissioner Buffalino: Good evening everyone, from what I just heard, I think in I'm in agreement with most of the comments in terms of council-manager because it does closely approximate what we currently have now, but it does have the options, as they've been pointed out by Zach and by Bill, providing, I think, the community with more benefits, and I think that's the goal here, isn't it? To do what's right for the community at large? So, electing the mayor directly, yes, I do go for that even though we've had a good system of appointment and I think it seems to have worked okay, but for me a mayor is the leader of our town regardless of whether he has more power. I would opt to have a weak mayor, because I think we need checks and balances in that regard. The mayor still has to show leadership attributes because he does speak for the town, so I think electing the mayor directly would allow that individual to demonstrate that they have those attributes through the campaign process and hopefully that would bring the right person to sit at the town council and these are four-year assignments as they've been pointed out not three-year assignments.

I see partisan versus nonpartisan in the same way, I have serious concerns that I've learned about the current system of election that I was not aware of before and I think about three or four years ago a state senator who gets indicted for racketeering and Medicare fraud gets reelected in the same year and I said to myself, how does that happen, and I think he did it hands down, too, without any kind of opposition. Well, now I know because he was on the line and just flew right through the process. There's no checks and balances on that, that leaves things to certain individuals that think they have the right answer, I don't know. I think we want to have more of an open system, and I think excluding more people from trying to participate in our government is hurting our town.

Our town would gain from some of the talent we have here, and you all know, you've been living here a long time. Some of the individuals we have are very bright, very talented, but they may be independents rather than committing themselves to a specific party, they feel more comfortable that way, but that doesn't make them bad people. That makes them probably better at assessing things without political overhang. So, I think, is it the right answer, I think it's one of the answers to going in that direction and as the experts from the state and from the Bloustein School have pointed out, there's no perfect form of government, it doesn't exist, but you have to attempt to make things a little better than what you have and whether it's 100 years old or a 1000 years old, to me things change over time and we need to be conscious of that.

Initiative and referendum, well, I'm probably one of the few people in town that actually participated in one of those four years ago, we didn't like the fact the town was going to spend a

whole lot of money from a bond issue, and we got 700 signatures on a petition, and we challenged it legally and we won. It didn't go to referendum because the town vacated it because they knew the answer was going to be no, but at least we had the ability to do it, but it's exclusive to bond ordinances on the township form of government. The only way to open that up is choose one of the Faulkner Act forms which would be open to any kind of issue affecting the community, again it's the community for me that has to be coming first here, regardless of who's running for election. I'm a long-time republican and I believe in the conservative values of the party and I believe in adherence to the constitution, but not all Republican candidates are good, again it comes down to the individual that you select and whether they have a Republican stamp on them or Democratic stamp or an independent stamp, I think it's what they say and what they do that matters and the issues at the township level, as we've heard, are vastly different than at the national or the state level and I think the political parties are less necessary at this level than they would be at the state or the national level. The divisiveness factor is one that I think really upsets the balance of things in our town and other towns, too. It's not just us, I've been following what's going on at Red Bank, it's a Democrat town, they have exactly the same issues, exactly, so it's not the political parties, it's the essence of the structure of it that causes us to have concerns.

I'm also not in favor of wards, I think our town is too small for that, even though we do have a difference between northern Holmdel and southern Holmdel in terms of density of population and things of that nature, but I think we do have an ability to get the community to give us the direction on what they want and they have expressed their direction to us in many cases that I've sat in the town council here and listened to their arguments on different things.

At this point I'm not going to vote in favor of having ward representation on the committee. I hope people from the northern part of town do join us on the township committee and feel free to run, and I think hopefully removing the partisanship issue would help in that regard. I thought about this for a while, and you can tell me if I'm wrong, with the current form we have, why even have a primary, if you're on the first line you've won, right? Pretty much, it's almost assured you're going to win unless something terrible happens in the meantime during the election process. The other factor is, it doesn't stop you from campaigning or getting the support of the party during your campaign process, you can represent yourself no matter how you want to, as a Republican, as a Democrat, as an independent. There's nothing in the Faulkner Act that prevents that from happening, is that correct Kevin?

Mr. Starkey: That is correct, yes.

Commissioner Buffalino: So, there still is the freedom to campaign in that regard, but having the line dictate who gets elected, I don't see how you qualify that as a fair situation under any circumstance. I think a council-manager would be my decision if I were asked to make one tonight, given the attributes of that form of government and the options we've discussed.

Commissioner Berk: A lot of what everybody said I echo; I agree with just about probably everything that's been said. Let me start with saying that I would not want mayor-council type government. I do not think that we should have a strong mayor that has veto power. I think we're used to people working together and no one really has more power than anybody else and I would definitely not support mayor-council. I do like the features of council-manager, I think it's very similar to what we have but better in several respects. First, I like the idea of the mayor being elected, I think people want to be able to elect the mayor. We've heard that from a lot of people, and I think most people didn't even realize that they didn't elect their mayor and I

know it's been described as a backdoor process, having been on the township committee. Basically, when I was on, we had two parties and basically, it was whoever the party was and that had the most votes, would select one of their members, and as I think everybody has said, that doesn't necessarily mean that's the best person to be the mayor and to represent the town. So, I like the idea of a mayor being directly elected, I like the fact the mayor has a vote and participates just as we do now. In terms of number, I actually probably would go with seven just because I think it's a lot of work and I think if you had more people, you could maybe get more done. That being said, we're used to five members, and I think, for this effort, we should stick with five members and before I go any further, I just want to make sure I'm correct on this, if this were to pass and at a later time, we wanted to change one of the features, we would just have to wait four years.

Mr. Starkey: That's correct.

Commissioner Berk: And it would just be on the ballot?

Mr. Starkey: Any change to the government has to go on the ballot, so the time frame is if a change of government was approved then it cannot be altered or amended for a period of four years. After that, it can be changed at will.

Commissioner Kastning: What's the process?

Mr. Starkey: At that point, it depends on what you're changing, but let's say it became a council-manager form that's your basic form, if that form is going to stay the other features can be changed. There's two ways to do it, one is by a direct petition of the voters, if they come forward to petition and say, "we want to change from at large to wards," they can complete a petition that says that. That question is on the ballot or since the Faulkner Act is already established, the governing body can by ordinance put a question directly on the ballot to change one of those features. Now, just to be clear, that doesn't mean changing the basic form, that can only be done by petition at that point, but the other features can be done in either of those two ways, by petition of the people or by ordinance, both have to go on the ballot.

Commissioner Buffalino: Can you go all the way back to being a township form of government that way or not?

Mr. Starkey: There is an option to revert back to the original form of government, and once again, it would have to be a question that goes on the ballot, would have to be approved and then there's an option to revert back to the township committee form.

Commissioner Berk: That being said, again, I think I'd like to be similar to what we have, if at a later point that's something that might be considered, especially if the town grew. I think I would like staggered elections so that there's not complete turnover, I think that's better in terms of continuity, I would certainly go with that. Referendum and initiative, is important to me. nonpartisan is important, I think is equally as important. I think of some of the issues that we've gone through as a town, I've been here since 1993 and it was the whole Chase Track issue, I think about what would have happened if we had had this option, if the people of the town could have put it out for a vote and it wouldn't have been people coming in at the last minute and trying to change things, so we ended up with a great finale, but I think it would be much better for people, for the whole town, to have been able to vote on it and it ended up keeping the town the way we like it, but it could have been really terrible and I think if you have referendum and initiative then you are enabling people to vote directly, and also I believe to become more

familiar with the issues. I think when we hide behind voting down a line, when we just say well, I'm going to vote for this party or that party, we don't do as much work to find out what the issues are.

We assume that they're going to vote when they're on the township committee the way we want them to and what comes to mind on that particular issue is I had a friend who lived in Holmdel, very much in favor of open space and was a Democrat, she moved to a shore town and in that town the Democratic leadership wanted to build, build, build and the Republicans did not, she decided to vote for a Republican, but she had not really educated herself and understood that the people that she normally would vote for would not be looking out for her interests then she would have been surprised at what she got. So, I do think at a local level the nonpartisan type of voting I think is much more beneficial, we do it on the school board and as another anecdote, another democrat said to me, "you know I would vote for that person, but I always vote for a democrat, I can't bring myself to do that." If there is not a label there, I believe people will vote for the person. I ran with Mike Sokol, he was not able to get on the township committee, he was successful to get on the school board, and I believe that's because it was nonpartisan, so I think it opens up more and more candidates and I think that's to the betterment of the town. As I said, I'd like to continue pretty much the way we have the township committee with changes that would make it better, so I want to talk about the difference between the administrator and the manager. As I see it, I mean we've said that it's pretty similar, but there are differences and I want to be clear. Under the manager, the manager would hire staff, the people that are reporting to him, does that have to be approved by the township committee? I know the township committee sets the number of people that can be hired, the salary, but if the manager wants to hire somebody it doesn't have to go through the vote of the township?

Mr. Starkey: No, that's correct, the manager hiring staff in the township, including department heads, is at the option of the manager, there's no formal approval role for the council, but the council also has the right to remove the manager right by a simple majority vote so that if decisions are being made that the governing body does not agree with, it's relatively simple to remove a manager. I think the converse of that is the manager is typically known to be responsive to the governing body, in other words work collaboratively with them.

Commissioner Berk: Under our current government the township administrator needs to run it by, so it has to be approved, the difference being that, as you said, the manager is probably going to do what he or she believes the township committee wants that person to do and will be aware of what the township committee would want, because they want to keep their job.

Chairman Gee: You keep saying township committee, I just want to make sure you mean the council in that scenario you're talking about.

Commissioner Berk: Yes. So, to me that's the main difference in how, if the council-manager operates compared to the township committee in terms of the power of that administrator, but I think there's enough control that I don't think it would be a detriment at all.

Commissioner Buffalino: The budget process will have some influence on those decisions, correct?

Mr. Starkey: That's correct.

Commissioner Buffalino: And that has to be approved by the council?

Mr. Starkey: That is correct, yes.

Commissioner Buffalino: So, the business manager doesn't have carte blanche ability to do whatever they feel like right, correct?

Mr. Starkey: That's correct, and just to clarify, when we talk about staff, that it's up to the manager. Staff is, I've always thought of it as department heads, employees. The council retains the right to appoint a few directly, which is obviously the manager, the municipal clerk, the municipal attorney, members of the planning board and zoning board and then those boards have the right to retain their own professionals to make those decisions. So, we talk about staff, it's simple, generally the employees of the municipality and it is obviously subject to the budget, that the council retains the right over the finances and expenditures of the municipality.

Commissioner Berk: In terms of the two-year staggered, I like the fact that we wouldn't have a township committee person running every year. People complain about the signs, we'd have fewer signs and that would be a benefit, and again, if people don't like it in five years, we could change it.. I think it's definitely worth trying, I think it has benefits that would be really good for the town. I'm strongly in favor that we move forward on the council-manager type.

Chairman Gee: I think each of you voiced something and that something sounds like a change or recommendation for a change in the form of government, so I just want to make it absolutely clear, one of the options that the commission does have is to recommend no change. I know that there's been public comments about that, this town has been working well and all that. I do have my own views, I personally have observed, certainly in the last 10 years, there's been a number of issues and I say this with the utmost respect, but I think this town has done very well, maybe sometimes in spite of some of the things.

I think this has not been a perfectly humming machine. I think, for example more than 10 years ago they wanted to sell Cross Farm and they didn't, and about 10 years later that's one of the best things that could have happened in the Holmdel because during Covid it allows people to have freedom to walk around. One of the options we do have is to recommend no change and I just want to make absolutely clear that that is not an option that the Commissioners are in favor of. That is an option to be considered and what I'm hearing are reasons for changing the form of government, so I just want to check that box off.

It's hard when you have four people that voice a lot of different things. I come here maybe slightly different than others. I've only been here about 20 years, but I am well aware of Holmdel for more than 40 years. I have friends here that worked as engineers at Bell Labs, so I actually remember coming in 1980 and was just really flabbergasted, really impressed with Holmdel. I'm sure most of you may or may not know this already, but Falcon Ridge was farmland back then and now, it's obviously developed, but those are the old days when you actually still had a lot more farmland and one of the things that I definitely don't want to do is make radical changes.

The word radical sometimes is pejorative because sometimes change by definition is going to feel radical to some people. It may be different, and we talked about some of the things and concepts, about non-partisan for example, to some people that may feel radical, but yet in Holmdel we have already been doing that. We've been holding nonpartisan elections on the Board of Ed, which the elected officials there controls a budget that represents 68% of our property taxes, are elected on non-partisan basis. It may not be as radical as some people think, so a lot of your comments I really do echo.

I do think that there are things that I found over the years that were a little bit disturbing, a little bit surprising. I do remember, for example, in 2016 then mayor Eric Hinds ran for re-election got re-elected, and I remember the re-org in 2017, now again those of you who know me, I was very much involved with fighting transmission lines, so in 2016 I worked a lot with Eric Hinds. He had said in public meetings sometimes that "there's not a day that goes by where I don't talk to Kin," that may be a little bit of an exaggeration, but I did talk to him a lot, so I followed his re-election quite a bit and he got re-elected, and I remember the re-org meeting, he was not elected by the council members to be mayor, if I remember right Greg Buontempo was elected in 2017, and there were a lot of people at the reorg meeting that made public comments, "I thought I was re-electing Mayor Hinds to be mayor again," and obviously, that was not the case, he got reelected, he's a member of the township committee, but it was up to the township members at the beginning of that year, so there is some confusion. I noticed that some candidates, in fact, ran with a campaign issue that the mayor should be elected directly, so that was something that I know has been an issue in the town.

On I&R, I think Initiative and referendum was something I really value quite a bit, I think that I mentioned about the fact that Cross Farm Park was being considered to be sold, and it took a lot of effort by residents back then to stop it. I remember people had one rally in the middle of winter walking along in Cross Farm Park and other areas, and so having that ability for residents to either propose an ordinance or to block one, when a bond ordinance is not involved is good. I think it was 2016 when in fact that a bond ordinance was involved that allowed the petition that Commissioner Buffalino mentioned, but there are other times where there are certain actions by the township committee that residents may or may not agree with, but the only option they had was through moral persuasion and whatever. I think some of you coming to the township committee expressing your comments and thoughts and hoping to persuade the township committee to change their mind and try to get them to do something else and sometimes that's been successful, a lot of times it has not been and I think the ability to put something on as a referendum for the citizens to decide is a wonderful thing. That's what democracy is about, that the voters and residents have a voice in that, so that to me was a big deal and that is not allowed under our current formal government.

I know a lot has been said about partisan versus non-partisan election, to me I actually do agree with some of the folks out there who have said that it's not the job of this commission to help candidates who can't win to get elected. The issue I have is that, because of the way the ballot is designed, the line, and who gets to decide to be on the line, which pretty much dictates who gets elected, is an issue. Because the individual or individuals that may decide that more often than not come from outside Holmdel and I don't think that that's appropriate for local elections. As to the appropriate candidates, we ought to have a voice in deciding, because I think through that system certain candidates that might want to run if they don't get the line designation will back off or won't run and I think that hurts the town. This is not about helping someone who can't get elected, but rather taking what I consider to be called outside influences that actually had an impact on who we get to elect as a member of the governing body. So, it's a little bit different, I mean it may be subtle or may not be, but to me there's a big difference. New Jersey, in case you missed the presentation by Professor Rubin, is unique in that our ballot design with the line and the advantage that does offer, so I know that there's a lawsuit being challenged somewhere about that.

I see coming in here, as I think Commissioner Gilstein has said this a number of times, making something that is good even better, and so I don't want to make any radical changes to our form

of government. I do agree that the council-manager form, in fact, is very close to the township committee and it's got some advantages with some reforms and things like that.

Remember, the township committee form of government dates back to the 1700s, literally during the colonial days, and it's been updated since then. In 1798, there were some amendments, in the late 1800s there were some amendments, but in the 20th century nationally and within New Jersey, the state legislature has modernized the framework for local municipal governments and added some flexibility initiatives that allow more power to the people, allow greater flexibility, and even though that was 1950, which is now more than 70 years ago, that was quite a bit of a change from 1798 or 1898. The ability to modernize and upgrade, if you will, and without making radical change, again it depends on your definition, but making some changes which we think it may be for the betterment of Holmdel is something that I definitely support.

I think what I'm hearing is that there is at least some consensus as to the form of government, so basically there were three forms that we could consider, one of the four we can't consider because the population is greater than 12,000 and there is one that is mayor-council-manager, but that is, as I said earlier, a borough form of government with a mandated administrator and it is partisan elections only. So, if what I'm hearing from the commissioners is you are thinking you would prefer, and so far, I don't think I heard anyone who said they don't favor nonpartisan, then I would say that form of government is not one to be considered.

We're pretty much down to the two, which are the mayor-council, council-manager, but the mayor-council is a strong mayor, it's got separate powers and it's very different than the township committee. So, I think what I'm hearing from you, which I agree, is that that's not a form that we would consider, so that really then leaves council-manager. If that's the case, council-manager does have various options and features within it that I think most of you have voiced your opinions, and I think I'm also hearing some kind of consensus, although there may be one slight difference, the township committee currently has five members, now some of our boards whether it's zoning, planning, have a number greater than five, but I think what I'm hearing, other than Commissioner Berk, we seem to be happy with the five right now, and I think what Commissioner Berk said if someone later on feels that it should be a number like seven, they always have that option to do that by ordinance by the governing body at that point or through petition; if we do change then they have I&R that can do that.

I know that there's been public comments and others who said we don't want a bigger government, I don't believe changing the number of members of the governing body is making the government bigger because essentially most of the people who serve get a stipend. I know that Township Committee Member Rocco Impreveduto is sitting in the audience, and he has generously donated his stipend to others. I know Committeewoman Cathy Weber has said she will not take any compensation, and those who do get it, for what they do and the amount of effort they do and the amount of work they put in getting \$4,800 a year is not sufficient compensation for their time and effort. So, if we add two members, you're looking adding \$10,000 of the budget, but nevertheless I don't think it's increasing governments. When you increase staff or increase a bunch of other stuff, I think that's increasing the government. I do think that five seems to be working and I think there is a consensus here to leave it at five and they have the option to change that if they need to, so the number of members is one that I think we have agreement on.

The other thing is, staggered versus concurrent because that is not an option in the township committee, however under a council-manager we do have that option and there's been a number of comments that having a complete turnover makes it tough. I think having every two years having two or three members come on may make it easy for continuity and I think those of you who have either sat on Township Committee, or other governing bodies, or on boards like the Zoning Board, Planning Board, Environmental Commission, etc., there is a steep learning curve. I think at the last Township Committee meeting Committeeman Luccarelli proudly said he finished his class on municipal government and it feels like he's got an MBA, and I think that's fantastic because he's been on the committee for a year now and I think if he feels that that was really useful it only reinforced the fact there is a steep learning curve and I think having a potential for a brand new governing body come in and lose this institutional knowledge is something that I certainly would not favor and I think we have four in favor of that.

One other feature is the members serving at large or by wards, I definitely was one that was interested in exploring that and the reason is I think many of you are well aware I do believe that northern Holmdel and southern Holmdel are different, not just because of the density, not just because there's more projects up there, but I do think that there are issues that they face which are a little bit different in southern Holmdel. I think many of you probably who have attended past Township Committee meetings or Planning Board meetings know that there are almost perennial flooding problems up near certain areas near Palmer Square or Palmer Avenue or further up north at Middle Road, and I think there's been a number of meetings with some of the folks who have been dealing with this for decades. I think at the last meeting you heard some of that as part of the presentation, and so I did want to at least look at that and explore that. I do agree that we're a small enough town where wards do not make sense and that they should be for larger cities, and most of the larger cities and towns do have that. I think for Holmdel I do absolutely agree that we should be at large, but I also want to make sure as we go through this process, we're being thorough and looking at all the options because that is a concern that for some folks in northern Holmdel.

On the issue of administrator versus manager, I do think that there is a big difference, Holmdel was blessed that whoever was on the Township Committee at the time amended the ordinance that detailed the duties of the administrator and it went into a lot of details for the Holmdel Township Administrator, not just describing as a chief administrative officer, it talks about negotiating contracts upon request subject to TC approval, prepares budget, insurance compliance, purchasing office, a whole bunch of stuff, and it was really good. However, having said that, that was an ordinance and as those of you know an ordinance can be changed, can be revoked, can do a number of things, and so the difference under a council-manager I think having what's supposed to be a non-partisan professional manager whose duties and powers actually are in the state law and not subject to changes by the government body by ordinance and I think it's a good thing, it provides stability, it does give them a little extra power and I think we covered that a little bit on confirmation that the manager does have executive power as far as the hiring of people without going to approval of the governing body. So, under the Township Committee form of government because the Township Administrator is delegated some of the duties as part of the ordinance he or she actually doesn't have that executive power to hire and that's why the Township Committee needs to go through that process, whereas under the council-manager the manager does have that duty, but they're supposed to serve the intent and the policy and execute what the council, as the legislative body, and passing the ordinance and what it's supposed to do and if he or she does not do that then they can be removed. One of the

advantages I see is that the manager can be removed by simple majority, whereas the Township Committee requires a 2/3 vote, so in a governing body of five members 2/3 means four votes and that's not easy, and by the way I like that a lot versus the mayor-council. I realize we're not considering that, but under that particular form of government the mayor does have the right to appoint an administrator but that administrator serves on a concurrent term with the mayor and when that mayor is gone then the administrator is also gone and then the next mayor appoints someone else and it may not be the same person, and I think you lose some continuity there as well.

On partisan versus non-partisan, I think I said earlier I don't believe that it's our job to let people who can't get elected to get elected, I do see that there are certain systemic issues that may be a barrier to letting the true choice of people to be voted on. I heard in Phase One some people are not wanting to run if they don't get the line and I think that does limit the pool and I am certainly in favor of non-partisan. I think that I didn't hear any support for going with partisan elections.

Staggered, wards, at large, number of members, the mayor being elected directly, I think we have a consensus as well. Under the mayor-council form of government that's automatic, the mayor is automatically directly elected by voters, however under the council-manager form of government there is an option. As part of Phase Two we did talk about one town who went to council-manager, but the mayor was decided by the council, for those who remember that was Ocean Township. However, I think I heard that the commissioners here would support having the mayor directly elected.

Commissioner Berk: If we were to go non-partisan do we need to consider runoff?

Mr. Starkey: In a non-partisan election you can have multiple candidates running for office, for example for mayor you can have three or four or five candidates for that office. There is a decision to be made, whether or not there should be a runoff election. The way that would work is, if on election day no candidate received a majority of the votes, meaning if you have three candidates running for mayor and the breakdown was 40%/40%/20%, then you would have no person who got over 50% of the vote. In that instance you could have a runoff election, and the way that would work is the top two candidates on election day would then run in a separate election 30 days later for that office and obviously with two of them running one of them would have a majority vote. The benefit of a runoff election is that you'll be certain to have a candidate who received more than a majority of the vote, more than 50%, that's the basic advantage. The basic disadvantage is you have another election within 30 days, sometimes people think it can put in some fatigue or lack of interest in the second round of an election. The advantage of not having a runoff is that you have one election and the candidate with the most votes gets into office. So, you can decide to have a runoff which would be 30 days later or to not have a runoff election which would end on election day with the candidate with the most votes winning.

Vice Chairman Kastning: Is that on a case-by-case basis or it's one or the other?

Mr. Starkey: It's one or the other and it applies to the mayor and the council members that are running, and just for a little bit of background, Tinton Falls had a runoff election in their charter that came up one time over the course of 20 years and then the governing body put a question on the ballot to eliminate the runoff because they thought people wouldn't like it because the runoff election would be in early December and the voters voted to eliminate it. Not to say that

it's good or bad, but to point out that there are different views on whether or not it's wise to have that option.

Commissioner Gilstein: I assume if you had two open positions and you had five candidates, if two people didn't get at least a third of the vote then you'd have a runoff among the top three.

Mr., Starkey: In that situation, yes, but you could have a runoff for one of the seats or you could have runoff for both seats depending on if somebody got a majority or not.

Vice Chairman Kastning: But this isn't for the Charter Study Commission to decide, or is it?

Chairman Gee: It is part of our recommendations.

Commissioner Gilstein: My other clarification is, I've never seen a runoff for our school board, so I'm assuming that we just take the top vote getters.

Mr. Starkey: I don't believe runoff elections are an option at the school board level, I'm not positive about that, but I've never seen it either, so I tend to think that that's not an option on the school board election, but it just happens to be an option in the Faulkner Act for this form of government. We haven't had a lot of discussion about that, I'll tell you that you don't necessarily need to decide that tonight, but by the time a report is issued, which is the next step of the process, a decision needs to be made on that issue.

Chairman Gee: I can probably express an opinion on that right now, because a runoff has to happen within the first 30 days of the election, so basically, you have an election in November then you would have another election, in that situation, in December where we're in the middle of holidays, right in the middle of winter or the onset of winter, it just seems tough. I'm not sure I see any decided advantage of having that, I do know Tinton Falls did change that. Asbury Park had a Charter Study Commission back in 2013, so I looked at that to understand what they did and they, in fact, did recommend runoff. However, I believe that with hindsight, that they would have hoped not to have had the runoff, so it's another data point, but it's not huge. My personal opinion is not to have a runoff, just to be clear that is different than rank choice, so we don't have that choice under the Faulkner Act for that. So, runoff or no runoff, basically, is the question.

Commissioner Berk: Having brought it up, I agree with you, I just wanted to make sure we considered it. I think another election is not something we want to do and unless it becomes a problem, again it can be changed at some later time, I think we go with what we've been doing, what the Board of Ed does, and leave it as not having runoff.

Vice Chairman Kastning: Theoretically, you could still have a tie though.

Mr. Starkey: There is already provisional law if there's a tie for how to break that tie, and I know you're going to ask me what it is and honestly, I forget, but that's under General Election Law Title 19, not under the Faulkner Act.

Vice Chairman Kastning: Do you want to decide that tonight? I'm okay with not having a run-off.

Commissioner Gilstein: I'm okay with not a runoff, I'm in favor of the most votes wins.

Chairman Gee: As I said earlier, in Phase Three we go to a deliberation discussion and hopefully come to some kind of at least consensus as to what our recommendations might be, so this discussion is very fruitful and I think there is some kind of consensus, but ultimately, all

this has to be boiled down to a written report that has to be filed with the Holmdel Clerk. So, I think if unless there's something else I'm missing, we need to work on a draft, something that is consistent with the discussion and the recommendations that we have. What I think I would like to do is ask for a motion and a second and then a vote to maybe form a subcommittee for the purpose of drafting a written report. The subcommittee would go through all this with the recommendation and that would get circulated that until it becomes a final report that all five of us would have to sign before we submit it. I see that as the next step, does that make sense?

Vice Chairman Kastning: The subcommittee has to be no more than two?

Mr. Starkey: That's correct.

Vice Chairman Kastning: Are we going to ask for volunteers?

Chairman Gee: I think we should vote to form the subcommittee. Can I get a motion to form a subcommittee for purposes of drafting a report to be circulated, a subcommittee of two?

Commissioner Berk offered a motion, seconded by Commissioner Gilstein. A voice vote confirmed all in favor.

Chairman Gee: Now I'm going to ask for volunteers.

Vice Chairman Kastning: Can a non-commissioned person participate?

Mr. Starkey: Only the members of the commission can participate.

Chairman Gee: Commissioner Berk would you participate?

Commissioner Berk: Yes.

Chairman Gee: So, we're going to have a subcommittee of Commissioner Berk and myself that will draft something, we'll circulate that and that's going to take us time, so I see a minimum two or three weeks to do that.

Vice Chairman Kastning: What about future meetings?

Chairman Gee: We've reached some kind of conclusion and consensus, I think that the next step is to get a draft in a shape that we could all come back and discuss and approve, so I see no need for further meetings until such time as having a report that's in shape for us to come back and discuss and hopefully approve. We have meetings that are regularly scheduled, we will put a notice that the next meeting will be canceled, and we will put it on the website. It's going to take some time to do this, so we will cancel meetings a meeting at a time, and my expectation is it may take three weeks. We have to be observant of the Open Public Meetings Act and we will circulate something in terms of draft and at such time then we would propose to have a meeting when it's appropriate.

Chairman Gee: I will ask for a motion to adjourn.

Commissioner Gilstein offered a motion to adjourn, seconded by Vice Chairman Kastning. A voice vote confirmed all in favor.

Respectfully submitted,
Bonnie K. Thomas, Commissioner Secretary